

S.B. 691 (Effective immediately)
S.B. 713 (Effective immediately)
S.B. 717 (Effective immediately)
S.B. 742 (Effective September 1, 1989)
S.B. 759 (Effective September 1, 1989)
S.B. 846 (Effective August 28, 1989)
S.B. 873 (Effective August 28, 1989)
S.B. 897 (Effective September 1, 1990)
S.B. 907 (Effective upon passage of S.J.R. 34)
S.B. 984 (Effective September 1, 1989)
S.B. 1010 (Effective September 1, 1989)
S.B. 1015 (Effective September 1, 1989)
S.B. 1021 (Effective September 1, 1989)
S.B. 1032 (Effective August 28, 1989)
S.B. 1044 (Effective September 1, 1989)
S.B. 1081 (Effective immediately)
S.B. 1102 (Effective immediately)
S.B. 1388 (Effective immediately)
S.B. 1407 (Effective September 1, 1989)
S.B. 1427 (Effective August 28, 1989)
S.B. 1558 (Effective September 1, 1989)
S.B. 1587 (Effective September 1, 1989)
S.B. 1672 (Effective immediately)
S.B. 1710 (Effective immediately)

SEVENTY-FIFTH DAY

(Continued)

(Sunday, May 28, 1989)

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by Senator Ratliff.

MESSAGE FROM THE HOUSE

House Chamber
May 28, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has refused to concur in Senate amendments to **H.B. 983** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Grusendorf, Chair; Berlanga, Hammond, Arnold, G. Luna.

The House has refused to concur in Senate amendments to **H.B. 1023** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Wolens, Chair; R. Cuellar, Edge, Dutton, Connelly.

The House has refused to concur in Senate amendments to **H.B. 1232** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Berlanga, Chair; Pierce, C. Harris, Criss, Perez.

The House has refused to concur in Senate amendments to **H.B. 1546** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: T. Smith, Chair; Junell, Richardson, McCollough, Yost.

The House has refused to concur in Senate amendments to **H.B. 2603** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Laney, Chair; Cain, Gavin, Gibson, Perry.

The House has refused to concur in Senate amendments to **H.B. 3143** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Crawford, Chair; Larry, Waterfield, Chisum, Smithee.

The House has refused to concur in Senate amendments to **H.B. 1873** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: S. Thompson, Chair; Wilson, Evans, Hinojosa, Perez.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 1715**. The following have been appointed on the part of the House: Chisum, Chair; Jones, Robnett, Laney, Junell.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 1197**. The following have been appointed on the part of the House: Hinojosa, Chair; Hury, T. Smith, Denton, Garcia.

The House has granted the request of the Senate for the appointment of a Conference Committee on the following Senate bills: **S.B. 1646**, **S.B. 1647** and **S.B. 1648**. The following have been appointed on the part of the House: T. Smith, Chair; Willy, Junell, Yost, VanderVoort.

The House has adopted the Conference Committee Report on **H.J.R. 40** by a record vote of 139 Yeas, 2 Nays, 1 Present-not voting.

The House has adopted the Conference Committee Reports on the following bills by non-record votes:

S.B. 95
S.B. 427

The House has adopted the Conference Committee Report on **S.B. 1386** by a record vote of 140 Yeas, 0 Nays, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Ratliff in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading,

read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.R. 693 (Johnson) Creating a Senate special committee to study the issue of State support of Bishop College. (vv)

S.R. 745 (Brown) Directing the Criminal Justice Committee to conduct an interim study on diabolic cult activities. (vv)

C.S.S.R. 746 (Johnson) Creating the Special Advisory Committee on the Creation and Expansion of Minority and Women-Owned Business Ownership Opportunities. (vv)

C.S.S.R. 747 (Caperton) Creating a special committee to study contract and procurement practices of State agencies. (vv)

S.R. 748 (Truan) Directing the Health and Human Services Subcommittee on Health Services to study the statewide need for psychiatric and counselling services for children. (vv)

S.R. 749 (Truan) Directing the Health and Human Services Subcommittee on Health Services to study the control and regulation of worker and public exposure to radiation. (vv)

S.R. 757 (Truan) Requesting the lieutenant governor to create a special interim committee to study the CATPOOL. (vv)

S.R. 759 (Glasgow) Requesting the Senate Committee on Jurisprudence to study the current system whereby foreclosures are effectuated. (vv)

S.R. 760 (Glasgow) Directing the Senate Committee on Jurisprudence to study the rationale for the current lack of uniform jurisdiction. (vv)

S.R. 761 (Johnson) Directing the Committee on Nominations to prepare a study of gubernatorial appointments. (vv)

S.R. 763 (Edwards) Creating a special Senate committee to study the affordability of postsecondary education. (vv)

S.R. 764 (Zaffirini) Encouraging the Inter-Agency Council on Mentally Retarded, Developmentally Disabled and Mentally Ill Offenders to address alternatives for serving people with mental disabilities, who are charged with misdemeanors. (vv)

S.C.R. 172 (Caperton) Requesting the lieutenant governor and speaker to establish the Legislative Oversight Committee on OBRA program implementation. (vv)

S.C.R. 173 (Haley) Directing the Central Education Agency to require each school district to provide alcohol and drug abuse education. (vv)

S.C.R. 175 (Washington) Requesting the lieutenant governor and speaker to reestablish the Transition Services Task Force. (vv)

H.C.R. 40 (Brown) Granting the Brazos River Harbor Navigation District permission to sue the State of Texas, the School Land Board and the General Land Office. (vv)

H.C.R. 115 (Washington) Requesting the speaker and lieutenant governor to create a special joint interim committee to study State regulation of proprietary schools. (vv)

H.C.R. 228 (Green) Granting Highland Farms Trust and others permission to sue the State of Texas, the General Land Office and the School Land Board. (vv)

H.C.R. 236 (Zaffirini) Encouraging the Texas Committee for the Humanities to initiate programs in international studies. (vv)

H.C.R. 240 (Harris) Requesting the presiding officers to create a committee to investigate the bank and savings and loan crisis. (vv)

H.C.R. 246 (Johnson) Inviting the United Republic of Tanzania to join Texas in a friendship and commerce relationship. (vv)

H.C.R. 266 (Parmer) Directing the Central Education Agency to develop an inservice training program on youth suicide. (vv)

H.B. 44 (Green) Relating to the movement of traffic on multiple-laned roadways. (30-1) Washington "Nay" (31-0)

C.S.H.B. 100 (Whitmire) Relating to the provision of certain veterinary services and to the sterilization of dogs and cats adopted from an animal pound, shelter or humane organization. (30-1) Washington "Nay" (31-0)

H.B. 182 (Henderson) Relating to the provision of refueling services to disabled persons and to the price charged for motor vehicle fuel provided to those persons; providing a penalty. (30-1) Washington "Nay" (31-0)

H.B. 221 (Green) Relating to the period business records must be kept. (30-1) Washington "Nay" (31-0)

H.B. 457 (Barrientos) Relating to training required of fire protection personnel assigned to fire suppression duties. (30-1) Washington "Nay" (31-0)

H.B. 464 (Johnson) Relating to the necessity of a fishing license on certain days. (30-1) Washington "Nay" (31-0)

H.B. 635 (Brown) Relating to the child support service fee in Brazoria, Fort Bend, Matagorda and Wharton counties. (30-1) Washington "Nay" (31-0)

H.B. 707 (Uribe) Relating to the place where the Court of Appeals for the Thirteenth Court of Appeals District transacts business. (30-1) Washington "Nay" (31-0)

H.B. 828 (Barrientos) Relating to the notification to crime victims of certain rights available to those victims under State law and to the designation of crime victim liaison counselors. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1059 (Brown) Relating to contracts entered into by certain counties and districts. (30-1) Washington "Nay" (31-0)

H.B. 1182 (Barrientos) Relating to the confidentiality of certain information concerning facilities and improvements to be used for scientific research development and economic development and diversification. (30-1) Washington "Nay" (31-0)

H.B. 1215 (Krier) Relating to the adoption of a program to encourage participation of minority and women-owned businesses in public contract awards made by certain metropolitan rapid transit authorities. (30-1) Washington "Nay" (31-0)

(Senator Sims in Chair)

H.B. 1217 (Carriker) Relating to the safety requirements for electric utility lines. (30-1) Washington "Nay" (31-0)

H.B. 1266 (Ratliff) Relating to the exemption from sales and use tax on certain amusement services provided in a historic place. (30-1) Washington "Nay" (31-0)

H.B. 1269 (Ratliff) Relating to the payment of ad valorem taxes. (30-1) Washington "Nay" (31-0)

H.B. 1383 (Green) Relating to the regulation of certain activities concerning portable fire extinguishers and fixed fire extinguisher systems, fire detection and fire alarm devices and systems and fire protection sprinkler systems. (30-1) Washington "Nay" (31-0)

H.B. 1396 (Uribe) Relating to the assessment of minimum basic skills of public school students whose parents are migrant workers. (30-1) Washington "Nay" (31-0)

H.B. 1423 (Sims) Relating to the places where a justice of the peace may hold court in certain counties. (30-1) Washington "Nay" (31-0)

H.B. 1498 (Tejeda) Relating to criminal history record information relating to applicants for employment with a school district; providing a criminal penalty. (30-1) Washington "Nay" (31-0)

H.B. 1786 (Haley) Relating to the adoption of impact fees. (30-1) Washington "Nay" (31-0)

Senator Haley offered the following committee amendment to the bill:

Amend **H.B. 1786** by adding the following as Section 3 and renumbering the following sections:

"Nothing in this Act shall affect the validity of impact fees heretofore levied for storm water, drainage or flood control facilities by a county-wide district created and operating under the provision of Article XVI, Section 59 of the Texas Constitution in a county of 2,100,000 or more according to the last preceding Federal census and all impact fees heretofore levied or assessed by such a district are hereby validated, ratified and confirmed."

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 1803 (Whitmire) Relating to an office in the Department of Commerce responsible for collecting and disseminating information relating to certain grants. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1849 (Johnson) Relating to the availability of consumer information in a pharmacy. (30-1) Washington "Nay" (31-0)

H.B. 1870 (Barrientos) Relating to a comprehensive plan adopted by a municipality. (30-1) Washington "Nay" (31-0)

H.B. 1890 (Barrientos) Relating to the central administration office of each university system and the Texas State Technical Institute. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1986 (Whitmire) Relating to municipal civil service in certain cities. (30-1) Washington "Nay" (31-0)

H.B. 2293 (Truan) Relating to liability of certain governmental entities for damages from donated food. (30-1) Washington "Nay" (31-0)

C.S.H.B. 2301 (Henderson) Relating to the membership of the board of directors and the appraisal review board of an appraisal district. (30-1) Washington "Nay" (31-0)

H.B. 2303 (Barrientos) Relating to imposition and collection of standby fees by certain water districts. (30-1) Washington "Nay" (31-0)

H.B. 2355 (Ratliff) Relating to a director acting as general manager of an underground water conservation district. (30-1) Washington "Nay" (31-0)

H.B. 2423 (Leedom) Relating to the validity of voters' signatures on petitions filed in connection with certain elections. (30-1) Washington "Nay" (31-0)

H.B. 2441 (Henderson) Relating to authority of State of Texas to make agreements to indemnify against loss or damage certain art and artifacts. (30-1) Washington "Nay" (31-0)

H.B. 2478 (Brown) Relating to the manner of calculation of the deadline by which a final order must be entered in an appeal of utility rates set by a municipality. (30-1) Washington "Nay" (31-0)

H.B. 2484 (Johnson) Relating to the establishment of a Council on Minority Health Affairs. (30-1) Washington "Nay" (31-0)

H.B. 2542 (Leedom) Relating to the general duties of certified peace officers and public security officers under the adjutant general. (30-1) Washington "Nay" (31-0)

H.B. 2625 (Barrientos) Relating to the failure to return a textbook. (30-1) Washington "Nay" (31-0)

H.B. 2745 (Green) Relating to giving a bond to secure the issue of a certificate of title to a motor vehicle. (30-1) Washington "Nay" (31-0)

H.B. 2791 (Johnson) Relating to a school district's budget and accounting system. (30-1) Washington "Nay" (31-0)

H.B. 2912 (Truan) Relating to the authorization of eligible cities and counties to acquire, construct and improve permanent improvements for use by institutions of higher education; authorizing the donation of permanent improvements to institutions of higher education; authorizing the issuance of bonds and other obligations to finance the acquisition, construction and improvement of permanent improvements. (30-1) Washington "Nay" (31-0)

H.B. 2939 (Caperton) Relating to the authority of certain statutory county courts to grant adoption of adults. (30-1) Washington "Nay" (31-0)

H.B. 3043 (Parker) Relating to the operation of vehicles on highways. (30-1) Washington "Nay" (31-0)

Senator Parker offered the following committee amendment to the bill:

Amend **H.B. 3043** by striking Sections 8 and 9 and substituting the following:

SECTION 8. Section 2, Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. (a) Except as provided by Subsection (b) of this section, such [Such] vehicles may be operated only between the hours of sunrise and sunset, as defined by law, and at a rate of speed not greater than fifty (50) [thirty-five (35)] miles per hour; and provided further, that there shall at all times be displayed at the extreme rear end of the load carried on such vehicles a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(b) The limitation on hours of operation in Subsection (a) of this section does not apply to a vehicle being operated to prevent interruption or impairment of electric service or to restore electric service that has been interrupted.

SECTION 9. This Act takes effect September 1, 1989, and applies only to an offense under Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes) or for a violation

of Section 2, Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes), committed on or after that date. An offense for a violation of that section committed before the effective date of this Act is covered by the law in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 3066 (Haley) Relating to the compensation of the members of the juvenile boards of Cherokee, Nacogdoches and Gregg Counties. (30-1) Washington "Nay" (31-0)

H.B. 3173 (Dickson) Relating to the composition of the Taylor County Juvenile Board. (30-1) Washington "Nay" (31-0)

H.B. 3192 (Carriker) Relating to the authority of a municipality to engage in economic development programs. (30-1) Washington "Nay" (31-0)

H.B. 3198 (Brooks) Relating to the creation, extension or modification of restrictive covenants applicable to certain residential subdivisions. (30-1) Washington "Nay" (31-0)

H.B. 3201 (Washington) Relating to the punishment for the offense of terroristic threat committed to prevent a person from reporting a crime. (30-1) Washington "Nay" (31-0)

H.B. 3209 (Brown) Relating to creation and operation of the Emerging Technologies Commercialization Corporation. (30-1) Washington "Nay" (31-0)

H.B. 1569 (Haley) Relating to trench safety. (30-1) Washington "Nay" (31-0)

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

<u>Number</u>	<u>Senators Removing</u>
S.R. 750	Whitmire, Sims
H.B. 312	By sponsor, Edwards
H.B. 1178	Dickson, Sims
H.B. 1263	Washington, Sims
H.B. 1576	Washington, Sims
H.B. 2376	Washington, Sims
H.B. 2377	Santiesteban, Sims
H.B. 2887	Washington, Sims

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Ratliff, the Senate at 9:34 a.m. adjourned until 10:00 a.m. today.